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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
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11 BENNETT GRIMES,
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13 Petitioner,
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15 v.
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17 BRIAN WILLIAMS, et al.,
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19 Respondents.
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Case No. 2:19-cv-00663-GMN-GWF

ORDER

21 Petitioner has paid the filing fee. The court has reviewed the petition for a writ of habeas
22 corpus under Rule 4 of the Rules Governing Section 2254 Cases in the United States District
23 Courts. The court will dismiss ground 1. The court will serve the petition upon respondents for a
24 response to the remaining grounds.

25 Ground 1 is a claim that the state district court erred in the state post-conviction
26 proceedings both by not providing any reasons for its denial of the post-conviction petition, and
27 by not drafting its own findings of fact, conclusions of law, and order. Claims of error in the state
28 post-conviction proceedings are not addressable in federal habeas corpus. Franzen v. Brinkman,
877 F.2d 26, 26 (9th Cir. 1989). The court dismisses ground 1.

 Petitioner has filed a motion for appointment of counsel (ECF No. 2). Whenever the court
determines that the interests of justice so require, counsel may be appointed to any financially
eligible person who is seeking habeas corpus relief. 18 U.S.C. § 3006A(a)(2)(B). “[T]he district

1 court must evaluate the likelihood of success on the merits as well as the ability of the petitioner
2 to articulate his claims pro se in light of the complexity of the legal issues involved.” Weygandt
3 v. Look, 718 F.2d 952 (9th Cir. 1983). There is no constitutional right to counsel in federal
4 habeas proceedings. McCleskey v. Zant, 499 U.S. 467, 495 (1991). The factors to consider are
5 not separate from the underlying claims, but are intrinsically enmeshed with them. Weygandt,
6 718 F.2d at 954. After reviewing the petition, the court finds that appointment of counsel is not
7 warranted.

8 IT THEREFORE IS ORDERED that the clerk of the court shall file the petition for a writ
9 of habeas corpus pursuant to 28 U.S.C. § 2254.

10 IT FURTHER IS ORDERED that ground 1 of the petition is **DISMISSED**.

11 IT FURTHER IS ORDERED that the clerk shall add Aaron Ford, Attorney General for
12 the State of Nevada, as counsel for respondents.

13 IT FURTHER IS ORDERED that the clerk shall electronically serve upon respondents a
14 copy of the petition and this order. In addition, the clerk shall return to petitioner a copy of the
15 petition.

16 IT FURTHER IS ORDERED that respondents will have sixty (60) days from the date on
17 which the petition was served to answer or otherwise respond to the petition. Respondents shall
18 raise all potentially available affirmative defenses, including untimeliness, lack of exhaustion, and
19 procedural default, in an initial motion to dismiss. The court will not entertain successive
20 motions to dismiss.

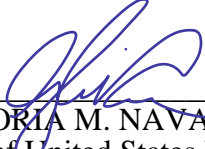
21 IT FURTHER IS ORDERED that if respondents file and serve an answer, then they must
22 comply with Rule 5 of the Rules Governing Section 2254 Cases in the United States District
23 Courts. Petitioner then will have forty-five (45) days from the date on which the answer is served
24 to file a reply.

25 IT FURTHER IS ORDERED that if respondents file a motion, then petitioner will have
26 forty-five (45) days to file a response to the motion, and respondents will have twenty-one (21)
27 days from the date of filing of the response to file a reply.

1 IT FURTHER IS ORDERED that, notwithstanding Local Rule LR IC 2-2(g), paper copies
2 of any electronically filed exhibits need not be provided to chambers or to the staff attorney,
3 unless later directed by the court.

4 IT FURTHER IS ORDERED that petitioner's motion for appointment of counsel (ECF
5 No. 2) is DENIED.

6 DATED: June 15, 2019

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10 GLORIA M. NAVARRO
11 Chief United States District Judge
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